

HOUSE BILL NO. 515

INTRODUCED BY D. MCALPIN

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING FOR A HEARING UPON OBJECTION TO A DISMISSAL OF AN ABUSE AND NEGLECT PETITION; AND AMENDING SECTION 41-3-424, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 41-3-424, MCA, is amended to read:

"41-3-424. Dismissal -- hearing. (1) Except as provided in subsection (2), unless ~~Unless~~ the petition has been previously dismissed, the court shall dismiss an abuse and neglect petition on the motion of a party, or on its own motion, in any case in which all of the following criteria are met:

~~(1)(a)~~ (a) a child who has been placed in foster care is reunited with the child's parents and returned home;

~~(2)(b)~~ (b) the child remains in the home for a minimum of 6 months with no additional confirmed reports of child abuse or neglect; and

~~(3)(c)~~ (c) the department determines and informs the court that the issues that led to department intervention have been resolved and that no reason exists for further department intervention or monitoring.

(2) If, upon the motion by a party to dismiss an abuse and neglect petition, one of the parties objects to the motion, the court may schedule a hearing on the motion. The court shall hear evidence regarding whether the petition should be dismissed or should remain in effect. After hearing the evidence, the court shall make a decision on the motion based on the best interests of the child. The court's decision must include findings of fact and conclusions of law."

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